

REMARKS

INTRODUCTION:

In accordance with the foregoing, claim 1 has been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-7 are pending and under consideration. Reconsideration is requested.

ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response because:

(a) the amendment was not earlier presented because the Applicants believed in good faith that the cited art did not disclose the present invention as previously claimed;

(b) the amendment of claim 1 should not entail any further search by the Examiner since no new features are being added that were not previously recited in separate independent claims; and

(c) the amendment does not significantly alter the scope of the claims and places the application at least into a better form for purposes of appeal because it resolves the Examiner's recent rejection to claim 1 under 35 U.S.C. §112, second paragraph. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §112:

In the Office Action, at page 2, item 2, the Examiner rejected claim 1 under 35 U.S.C. §112, second paragraph, for the reasons set forth therein, which are not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Applicants respectfully submit that the amendment of claim 1 overcomes the Examiner's rejection under 35 U.S.C. §112, second paragraph.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action, at page 2, item 4, the Examiner rejected claim 1 under 35 U.S.C. §102(a) as being anticipated by Applicants' Admitted Prior Art (AAPA). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Amended, independent claim 1 recites "...in an upsetting operation, forming a reduced diameter portion of a substantially cylindrical member, which eventually defines the shaft, and a large diameter portion of the substantially cylindrical member with an axially inwardly depressed recess defined in an end face of the large diameter portion, the recess having a tapered peripheral wall face, which eventually defines a general shape of each of the chamfered portions, using an upsetting technique; in a cup forming operation, forming a cup in the substantially cylindrical member by a combined pushing including a forward pushing and a rearward container pushing; and in a drawing operation, shaping the large diameter portion to a final design dimension and shape using a drawing technique, said upsetting operation being carried out prior to the cup forming operation, and said cup forming operation being carried out prior to the drawing operation."

The Examiner asserted that the phrase "...an intermediate member which eventually forms the outer race..." in the AAPA is equivalent to the upsetting operation. Applicants respectfully disagree.

The paragraph beginning on page 2, line 3 of the Specification of the subject application, which contains the phrase singled out by the Examiner, recites:

“[according] to the above mentioned publication, an intermediate member which eventually forms the outer race is prepared by means of a combined pushing process including a forward pushing and a rearward container pushing, to thereby form a cup portion and, during this cup forming process, the chamfered portions are plastically formed by the use of a punch used to form the track grooves. Thereafter, during the subsequent drawing process to form the outer race to have a final design dimension and shape, the chamfered portions are also finished.” (Emphasis added)

Thus, in the AAPA, the chamfered portions are formed during the cup forming process.

In contrast, in claim 1, the “...tapered peripheral wall face, which eventually defines a general shape of each of the chamfered portions...” is formed in the upsetting operation, which is “...carried out prior to the cup forming operation...” in which a cup is formed “...in the substantially cylindrical member by a combined pushing including a forward pushing and a rearward container pushing...”

Applicants respectfully submit that claim 1 patentably distinguishes over the cited art, and should be allowable for at least the above-mentioned reasons.

REJECTION UNDER 35 U.S.C. §103(a):

In the Office Action, at page 3, item 6, the Examiner rejected claims 2-7 under 35 U.S.C. §103(a) as being unpatentable over JP 2000061576 (hereinafter Hiroshi) in view of AAPA. The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Independent claim 2 separately delineates an upsetting operation and a cup forming operation. The upsetting operation makes “...an axially inwardly depressed recess defined in an end face of the large diameter portion...said recess having a tapered peripheral wall face, which eventually defines a general shape of each of the chamfered portions...” and the cup forming operation shapes “...the elongated intermediate member to a shape having the cup body by a combined pushing method including a forward pushing and a rearward container pushing...”

Independent claim 7 recites “...elongating an intermediate member having a recess, said recess having a tapered peripheral wall face, which eventually defines a general shape of

chamfered portion; subsequent to the elongating of the intermediate member, shaping the elongated intermediate member to a shape having the cup body...”

The Examiner asserts that Hiroshi discloses the upsetting operation but not the cup forming operation, and that the AAPA states that the cup forming operation is part of Hiroshi. Applicants respectfully disagree with the Examiner's interpretation.

Hiroshi discloses a fourth process in which the third intermediate preform, W3, which has no recess formed in the large diameter part h (shown in FIG. 3(c)), is formed into the fourth intermediate preform W4 (shown in FIG. 3d). In this fourth process, both the cup body 1 and the chamfered portions 13 are formed in the same operation by cam fabricating sections P1, P2 and T of punch P. (See paragraphs [0017-0020] of the computer translated versions of Hiroshi, FIGS. 1, 3c, 3d, and 4, and lines 17-23 of the Abstract).

Further, as noted previously in the arguments regarding the rejection under 35 U.S.C. §103 the AAPA, namely the paragraph beginning on page 2, line 3 of the Specification of the subject application, which describes Hiroshi, states “during this cup forming process, the chamfered portions are plastically formed by the use of a punch used to form the track grooves.”

Thus Applicants respectfully submit that both Hiroshi and the AAPA disclose formation of the cup body 1 and the chamfered portions 13 in a single operation (the fourth process). In other words, in contrast to Hiroshi, in which the chamfered portions are formed during cup formation, the subject application discloses and claims formation of the chamfered portions during an upsetting operation, prior to a cup forming operation.

Additionally, Applicants respectfully submit that a non-limiting example of an advantage of using the claimed invention is the ability to use molds having simplified shapes, thus reducing time necessary to manufacture or replace tooling. Another non-limiting example of an advantage of using the claimed invention is that even when tooling is worn down, the simplified shape of the tooling facilitates repair of the tooling, thereby reducing repair time, and increasing overall productivity.

Further, Applicants respectfully submit that neither Hiroshi nor the AAPA, either alone or in combination, disclose or suggest formation of the chamfered portions 13 and the cup body 1 in separate operations. Further, Applicants respectfully submit that neither Hiroshi nor the AAPA, either alone or in combination, disclose or suggest, a sequence of operations in which

the cup body 1 is formed in an operation subsequent to an operation forming the chamfered portions 13.

Applicants respectfully submit that independent claims 2 and 7 patentably distinguish over the cited art, and should be allowable for at least the above-mentioned reasons. Further, Applicants respectfully submit that claim 3-6, which ultimately depend from independent claim 2, should be allowable for at least the same reasons as independent claim 2, as well as for the additional features recited therein.

CONCLUSION:

In accordance with the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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